

AMENDED IN ASSEMBLY JULY 15, 2009

AMENDED IN SENATE APRIL 23, 2009

**SENATE BILL**

**No. 365**

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**Introduced by Senator Ducheny**

February 25, 2009

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An act to amend Section 17070.20 of the Education Code, and to amend Section 15490 of, to add Section 15490.5 to, and to repeal Section 14620 of, the Government Code, relating to the State Allocation Board.

LEGISLATIVE COUNSEL'S DIGEST

SB 365, as amended, Ducheny. State Allocation Board: Office of Public School Construction.

Existing law establishes the State Allocation Board (board) and specifies its membership and duties. Existing law establishes numerous responsibilities for the board with respect to the allocation and expenditure of state funds for the construction of public school facilities. Existing law provides that the board consists of the Director of Finance, the Director of General Services, a person appointed by the Governor, the Superintendent of Public Instruction, and 3 members from each house of the Legislature.

Existing law establishes the Office of Public School Construction in the Department of General Services, and specifies the duties and officers of that agency.

This bill would retain the Superintendent, or his or her designee, as a member of the board, but would increase the number of gubernatorial appointments to the board to 4, specifying that these appointees would serve staggered terms, and would be required to have expertise in educational facilities construction, engineering, architecture, or finance,

or expertise in compliance with the federal Americans with Disabilities Act or other planning and construction standards for pupils with special needs. The bill would make the Director of Finance and the Director of General Services, or their respective designees, nonvoting members of the board. *The bill would authorize the board to appoint its own legal counsel, or seek legal assistance from the Office of the Attorney General, on and after July 1, 2010.*

The bill would transfer the functions, officers, and employees of the Office of Public School Construction from the Department of General Services to the board, effective ~~January~~ July 1, 2010, and would provide for the retention of the civil service rights of those employees.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 17070.20 of the Education Code is  
2 amended to read:
  - 3 17070.20. The board shall administer this chapter. The Director  
4 of General Services shall provide assistance to the board as it  
5 requires.
- 6 SEC. 2. Section 14620 of the Government Code is repealed.
- 7 SEC. 3. Section 15490 of the Government Code is amended  
8 to read:
  - 9 15490. (a) There is in the state government the State Allocation  
10 Board, consisting of all of the following:
    - 11 (1) The Superintendent of Public Instruction or his or her  
12 designee.
    - 13 (2) Three Members of the Senate appointed by the Senate  
14 Committee on Rules, two of whom shall belong to the majority  
15 party and one of whom shall belong to the minority party.
    - 16 (3) Three Members of the Assembly appointed by the Speaker  
17 of the Assembly, two of whom shall belong to the majority party  
18 and one of whom shall belong to the minority party.
    - 19 (4) (A) Four public members appointed by the Governor. The  
20 public members appointed pursuant to this paragraph shall have  
21 relevant experience, including, but not necessarily limited to,  
22 experience in either of the following:
      - 23 (i) Educational facilities construction, engineering, or finance.

1 (ii) Expertise in compliance with the federal Americans with  
2 Disabilities Act (42 U.S.C. Sec. 12101 et seq.) or other planning  
3 and construction standards for pupils with special needs.

4 (B) The members appointed under this paragraph shall serve  
5 staggered terms. With respect to the public members appointed  
6 immediately after the operative date of the act that adds this  
7 paragraph, the terms of two of the public members shall be for two  
8 years and the terms of the other two public members appointed  
9 under this paragraph shall be for four years. Upon the expiration  
10 of these terms, subsequent public members shall serve four-year  
11 terms.

12 (C) A member appointed under this paragraph may be appointed  
13 to an additional term or terms.

14 (5) The Director of Finance or his or her designee, and the  
15 Director of General Services or his or her designee, shall serve as  
16 nonvoting members of the board.

17 (b) The members of the board shall receive no compensation  
18 for their services, but shall be reimbursed for their actual and  
19 necessary expenses incurred in connection with the performance  
20 of their duties.

21 (c) The Department of General Services shall provide assistance  
22 to the board as the board requires, including, but not necessarily  
23 limited to, the provision of the office space necessary to administer  
24 the affairs of the board at a cost and in an amount comparable to  
25 the accommodations of the board as of January 1, 2009.

26 (d) The board, by a majority vote of the voting members, shall  
27 elect a chair and vice chair from its membership to serve ~~one-year~~  
28 *two-year* terms. The chair and vice chair shall be eligible to serve  
29 no more than two consecutive terms.

30 (e) The board, by a majority vote of the voting members, shall  
31 do all of the following:

32 (1) Appoint an executive officer, who shall serve at the pleasure  
33 of the board.

34 (2) Determine the salary and other compensation of the  
35 executive officer.

36 (3) Employ additional staff members, and secure office space  
37 and furnishings, as necessary to support the executive officer in  
38 the performance of his or her duties.

1     (f) *On and after July 1, 2010, the board may appoint its own*  
2 *legal counsel or seek legal assistance from the office of the*  
3 *Attorney General.*

4     SEC. 4. Section 15490.5 is added to the Government Code, to  
5 read:

6     15490.5. (a) ~~On January~~ *July 1, 2010, the Office of Public*  
7 *School Construction shall be transferred from the jurisdiction of*  
8 *the Department of General Services to that of the State Allocation*  
9 *Board. Effective January* ~~July 1, 2010, the civil service staff of the~~  
10 *Office of Public School Construction shall be transferred to the*  
11 *board with no loss of civil service rights and privileges that*  
12 *pertained to those employees prior to that date.*

13     (b) ~~Effective January 1, 2010, the general services planning~~  
14 ~~officer, procurement officer, and~~ *July 1, 2010, the executive officer*  
15 *of the Office of Public School Construction shall be transferred to*  
16 *the board. On and after January 1, 2010, each of these officers* *July*  
17 *1, 2010, the executive officer shall serve at the pleasure of the*  
18 *board. On and after January* ~~July 1, 2010, a vacancy in any of these~~  
19 ~~positions~~ *the executive officer position shall be filled through an*  
20 *appointment by the Governor, upon recommendation of the board.*  
21 *The duties and salary of each* ~~the executive officer shall be~~  
22 *determined by the board.*

23     SEC. 5. *Sections 1 and 2 of this act shall become operative on*  
24 *July 1, 2010.*